

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 22, 2006

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and P. Gonzalez, Deputy Clerk.

Each of the following:

B182302 Zeller v. Siemen Transportation System
B179370 Harris v. Verizon Communications Inc., et al.

Argument continued to April 19, 2006.

B118437 Jerrold Davis
 v.
 Lewis Anten et al.

Merits:
Argued by Steven Glaser for appellants and no appearance by respondent.
Cause submitted.

B177013 Paul Bashkin
 v.
 Billie Jo Kamara

Merits:
Argued by David Adida, Deputy Attorney General for respondent and no appearance by appellant. Cause submitted.

DIVISION ONE (Continued)

B178965 Bill Phillips
v.
Portosan Company

Merits:
Argued by Tim A. Agajanian for appellant and by Anthony L. Hall for respondent. Cause submitted.

B177243 Vianey O. Ramirez
v.
Department of Motor Vehicles

Merits:
Argued by Barry A. Fisher for appellant and by Mark R. Beckington, Deputy Attorney General for respondent. Cause submitted.

B171990 Karen Engle-Grogan et al.
v.
Joyce T. Sussman

Merits:
Argued by Steven L. Crane for appellants and by Randel Ledesma for respondents. Cause submitted.

Mallano, J., leaves the bench.

B180198 Celesto Zavalza
v.
Karen M. Varela

Merits:
Argued by Nolan E. Clark for appellant and by Walter T. Shatford, III, for respondent. Cause submitted.

Mallano, J., returns to the bench.

DIVISION ONE (Continued)

Vogel, J., leaves the bench.

B178027 Missak Azirian
 v.
 Oliver Ma

Merits:

Argued by Mark E. Terman for appellant and by Ronny Sendukas for respondent. Cause submitted.

Vogel, J., returns to the bench.

Spencer, P.J., leaves the bench.

B171017 Global Compliance Inc.
B172947 v.
B173706 American Labor Law Company
B174694 Mango Graphics Corporation et al.
B175796

Merits:

On the court's own motion, the cases B171017 and B175796 are consolidated for purposes of arguments only. Argued by Kirk C. Jenkins for plaintiff-appellant Global Compliance, Inc., by Gary Hollingsworth for defendant-appellant-respondent American Labor Law Company, and by Roy G. Weatherup for defendants-appellants-respondents Mango Graphics Corporation, et al. Cause submitted.

Court adjourned.

B184553 People
 v.
 Spruel

The submission of the above captioned case on March 21, 2006 is hereby vacated, and the cause shall be resubmitted upon the filing of the amended notice of appeal.

March 22, 2006 (Continued)

DIVISION ONE (Continued)

B185233 Los Angeles County, D.C.S. (Not for Publication)
v.
Elizabeth D.

The order of August 5, 2005 is affirmed.

Mallano, J.

I concur: Spencer, P.J.

I concur in judgment only: Vogel (Miriam A.), J.

B185226 People (Not for Publication)
v.
Silas

The finding that defendant's Oklahoma prior conviction came within the meaning of the Three Strikes law is reversed. In all other respects, the judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Rothschild, J.

B181429 People (Not for Publication)
v.
Martinez, Jr.

The abstract of judgment is to be corrected to identify accurately the prosecutor and defense counsel, and the trial court is directed to forward a copy of the corrected abstract to the Department of Corrections. The judgment is affirmed.

Mallano, Acting P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

March 22, 2006 (Continued)

DIVISION ONE (Continued)

B181117 People (Not for Publication)
v.
Vasquez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B183513 People (Not for Publication)
v.
Church

The order is reversed, and the cause is remanded to the trial court with directions to hold an evidentiary hearing to determine the amount of probation costs and Church's ability to pay, and to thereafter enter a new order.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B181472 Etazad et al. (Not for Publication)
v.
Sdrales

The judgment is affirmed. Dr. Sdrales is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (Continued)

B188652 Roup et al. (Not for Publication)

v.

Superior Court, Los Angeles County
(Tag-It Pacific, Inc., r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its orders of September 12, 2005, and December 2, 2005, to the extent those orders impose monetary sanctions on Petitioners in Los Angeles Superior Court case No. BC328972. Petitioners are entitled to the costs of this writ petition proceeding.

Mallano, Acting P.J.

Vogel (Miriam A.), J.

Rothschild, J.

B181900 People (Not for Publication)

v.

Garcia

The judgment is affirmed, and the cause is remanded to the trial court with directions to correct its sentencing errors by (1) on count 1, imposing a term of life with a minimum parole eligibility period of 15 years (§ 186.22, subd. (b)(5)), plus a consecutive term of life for the section 12022.53, subdivision (d), enhancement; (2) on count 2, striking rather than staying the section 12022.53, subdivisions (b) and (c), enhancements; and (3) recalculating Garcia's custody credits. A new abstract of judgment shall then be prepared and forwarded to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Rothschild, J.

DIVISION TWO

Court convened at 9:00 a.m. at the University of Southern California Law School

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman and Joyce Hatter, Deputy Clerks.

DIVISION TWO (Continued)

B184537 People v. Perez

Argument waived, cause submitted.

B182717 Inman

v.

Superior Nissan of Puente Hills, et al.

Merits:

Argued by Barry Zelner for appellant and by Christopher Bruni for respondents. Cause submitted.

B181508 Payne, et al.

v.

City of Claremont

Rothweiler, et al.

Merits:

Argued by Paul Mahoney for appellants, by Marc Ehrlich for respondent City of Claremont and by Greg Hafif for real parties in interest. Cause submitted.

B168730 Olson

v.

Automobile Club of Southern California

Merits:

Argued by Thomas Bourke for appellants Olson, et al. and by Charles Patterson for appellant Automobile Club of Southern California. Cause submitted.

DIVISION TWO (Continued)

B181761 The Law Offices of Steven L. Zelig
 v.
 Scottsdale Insurance Company

Merits:

Argued by Steven L. Zelig for appellant and by Gary Hamblet for respondent. Cause argued submission deferred pending further briefing.

B184022 V.C., a Minor, etc.
 v.
 Los Angeles Unified School District

Merits:

Argued by Thomas Cifarelli for appellant and by Calvin House for respondent. Cause submitted.

B179794 Jewett
 v.
 Capital One Bank et al.

Merits:

Argued by Barry Kramer for appellant Jewett and by James McGuire for appellants Capital One Bank et al. Cause submitted.

Court recessed.

Court reconvened at 2:00 p.m. at the University of Southern California Law School

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman and Joyce Hatter, Deputy Clerks.

DIVISION TWO (Continued)

B177704 Gordon
 v.
 City of Santa Monica

Merits:
Argued by Mark Yablonvich for appellant and by Lance Gams for
respondent. Cause submitted.

B181094 People
 v.
 Pena et al.

Merits:
Argued by Edward Haggerty for appellant Soto and by Thomas Hsieh,
Deputy Attorney General for respondent. Appellants Pena and Rodriguez
waived oral argument. Cause submitted.

B178147 Renard
 v.
 Bacon, et al.

Merits:
Argued by Karin Ann Dougan Vogel for appellant and by Thomas Bleau
for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B180625 York T. Truin (Not for Publication)
 v.
 Ernestine Haywood, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B182299 Armen L. George (Not for Publication)
 v.
 Stephen R. Diamond

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B179701 Amanda Misenheimer (Not for Publication)
 v.
 Lilavati Sharma

The appeal is dismissed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B180510 People (Not for Publication)
 v.
 Berreondo

The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment to reflect: (1) a sentence of 25-years to life on the section 12022.53, subdivision (d) enhancement; and (2) a 30-year minimum parole eligibility period pursuant to section 196.22, subdivision (b)(5). In all other respects, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
 Hastings, J. (Assigned)

DIVISION SEVEN

B177448 Davis (Not for Publication)
v.
Aslan, et al.

The judgment is reversed. No further proceedings shall be taken in case SC061518. Appellants and Respondent Aslan are to recover their costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B183298 In re Maya S., et al., Minors (Not for Publication)
Los Angeles County, D.C.S.
v.
Audrae J.

The jurisdictional findings and dispositional orders are affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B181646 People (Not for Publication)
v.
Casares

The judgment of the superior court is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B180344 People (Not for Publication)
v.
Ayon

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B186162 People (Not for Publication)
v.
Walker

The appeal is dismissed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B183957 Sood (Not for Publication)
v.
CM International Trading Corp.,

The order denying CMI's special motion to strike under section 425.16 and award Sood attorney fees and costs is reversed. The cause is remanded to the trial court with directions to enter a new order granting the motion and to conduct further proceedings to determine the amount of attorney fees and costs to be awarded to CMI as the prevailing party on the motion. CMI also is to recover its attorney fees and costs on appeal in an amount to be determined by the trial court.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B181894 Michailidis (Not for Publication)
 v.
 Michailidis

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B182887 Shaw (Not for Publication)
 v.
 Moore

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B168869 Odening et al., (Not for Publication)
 v.
 Evans

The judgment is reversed to the extent it fails to apportion expert witness fees and other costs, and the cause is remanded for further proceedings not inconsistent with this opinion. In all other respects the judgment is affirmed. Each party is to bear his or her own costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

March 22, 2006 (Continued)

DIVISION SEVEN (Continued)

B179122 Parvizian (Not for Publication)
v.
Jewett

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B181587 Los Angeles County, D.C.S. (Not for Publication)
v.
Jose M.,

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B183884 Crutcher (Not for Publication)
v.
Chandler Lodge Foundation

The order is affirmed. Respondent is entitled to recover costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

March 22, 2006 (Continued)

DIVISION SEVEN (Continued)

B182926 People (Not for Publication)
v.
Rouzan

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B176614 A.M.H. (Not for Publication)
v.
T.M.M.

The orders are affirmed. Each side to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B174135 Crouch (Not for Publication)
v.
Professional Demo, Inc.

The judgment in favor of Professional Demo, Inc., doing business as Action Concrete Cutting & BCR Disposal Service is reversed as to the causes of action for negligence and loss of consortium. In all other respects the judgment is affirmed. Appellants are awarded their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B180790 People (Not for Publication)
v.
Gonzalez

Appellant's conviction for kidnapping (count 5) is dismissed. In all other respects the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting dismissal of the kidnapping conviction and to forward a copy to the Department of Corrections.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B181269 Geiser (Not for Publication)
v.
International Church of the Foursquare Gospel

The judgment of dismissal in favor of defendant International Church of the Foursquare Gospel is reversed as to the cause of action for battery. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B174379 People (Not for Publication)
v.
Martinez et al.

The judgments are affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

March 22, 2006 (Continued)

DIVISION SEVEN (Continued)

B176561 Bechtel Petroleum Operations, Inc.
 v.
 The Continental Insurance Co.

B179969 Chevron, U.S.A.
 v.
 The Continental Insurance Co.

Filed order modifying opinion. Petition for rehearing is denied. (No
change in the judgment)